

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**NOTICE OF MOTION NO. 1223 OF 2016
IN
SUIT NO. 207 OF 2016**

Shalina Laboratories Private Limited & Anr. ..Applicants/Plaintiffs

In the matter between :

Shalina Laboratories Private Limited & Anr. .. Plaintiffs

Vs.

Caplin Point Laboratories Limited .. Defendant

Mr.Rohan Sawant a/w. Ms. Poonam Teddu i/b Mahesh A. Mahadgut for
plaintiffs/applicants.

Mr.Gautam Panchal i/b Gautam and Co. for defendant.

Mr.M.S. Deshpande, Court Receiver present.

**CORAM : K.R.SHRIRAM, J.
DATE : 10TH JANUARY, 2017**

P.C.

1 An ad-interim order in terms of prayer clauses (a), (c) and (d) was passed on 23rd December 2015 without notice to the defendant. The defendant appeared on 15th January 2016 and on 8th February 2016 and sought time to file affidavit in reply. No reply has been filed. At the same time, an affidavit of one Jayapal, Director of the defendant-company affirmed on 21st October 2016 can be found in the records and proceedings in which it is stated that they have stopped manufacturing, marketing and trading any product under the brand name 'IBUCAP' and they will withdraw

the registration of 'IBUCAP' products from the countries named MALI and GUINEA within 90 days from 21st October 2016 and will also provide to the plaintiff a withdrawal letter or any such document in support of withdrawal of IBUCAP products from the countries named MALI and GUINEA.

The undertaking of the defendant is accepted as stated in the said affidavit in reply.

2 Shri Panchal for the defendant appeared while the order was being dictated and states that they have already given an offer of settlement to the plaintiffs and in due course will apply to the Court for listing the matter in Court for filing consent terms.

3 In view of the above, the ad-interim order passed on 23rd February 2016 is confirmed as order in this notice of motion. In view of the affidavit filed and in view of the fact that no reply has been filed to the notice of motion, I am inclined to grant prayer clause (b) as well.

4 The notice of motion accordingly disposed.

(K.R. SHRIRAM, J.)